

member of society. This term also includes applied technology education.

*Vocational student organizations* means those organizations for individuals enrolled in vocational education programs that engage in activities as an integral part of the instructional program. These organizations may have State and national units that aggregate the work and purposes of instruction in vocational education at the local level.

*Wagner-Peyser Act* means the Act in 29 U.S.C. 49 *et seq.*

(Authority: 20 U.S.C. 2471)

**§ 400.5 Under what conditions may funds under the Act be used for the joint funding of programs?**

(a) Funds made available under the Act may be used to provide additional funds under any of the programs in—

- (1) Title II, section 123 and title III of the JTPA; or
- (2) The Wagner-Peyser Act.

(b) Funds used to carry out paragraph (a) of this section may be used only if the—

- (1) Program otherwise meets the requirements of the Act and the requirements of the programs in paragraph (a) (1) and (2) of this section;
- (2) Program serves the same individuals that are served under the Act;
- (3) Program provides services in a coordinated manner with services provided under the Act; and
- (4) Funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

(c) Funds that meet the conditions in paragraphs (a) and (b) of this section may be used as matching funds.

(Authority: 20 U.S.C. 2468)

**§ 400.6 What are the requirements for establishing a State Committee of Practitioners?**

(a) *Consultation.* A State shall appoint a State Committee of Practitioners (Committee) after consulting with—

- (1) Local school officials representing eligible recipients;
- (2) Representatives of—
  - (i) Organized labor;
  - (ii) Business;
  - (iii) Superintendents;
  - (iv) Community-based organizations;

(v) Private industry councils established under section 102(a) of the JTPA (29 U.S.C. 1512);

- (vi) State councils;
- (vii) Parents;
- (viii) Special populations; and
- (ix) Correctional institutions;
- (3) The administrator appointed under 34 CFR 403.13(a);

(4) The State administrator of programs assisted under part B of the IDEA;

(5) The State administrator of programs assisted under chapter 1;

(6) The State administrator of programs for students of limited English proficiency; and

(7) Guidance counselors.

(b) *Committee selection.* The State shall select the Committee from nominees solicited from—

- (1) State organizations representing school administrators;
- (2) Teachers;
- (3) Parents;
- (4) Members of local boards of education; and
- (5) Appropriate representatives of institutions of higher education.

(c)(1) *Committee membership.* The Committee must consist of—

- (i) Representatives of local educational agencies, who must constitute a majority of the members of the committee;
- (ii) School administrators;
- (iii) Teachers;
- (iv) Parents;
- (v) Members of local boards of education;
- (vi) Representatives of institutions of higher education; and
- (vii) Students.

(2) School administrators, teachers, and members of local boards of education may be counted as representatives of LEAs for purposes of paragraph (c)(1)(i) of this section.

(Authority: 20 U.S.C. 2325 (a) and (d)(1); 2468a)

**§ 400.7 What are the provisions governing the issuance of State core standards and measures of performance and State rules or regulations?**

(a)(1) *State standards and measures.* A State shall convene, on a regular basis, the Committee established under § 400.6 to review, comment on, and propose revisions to a draft proposal that the

#### § 400.8

State board develops for a statewide system of core standards and measures of performance for secondary, postsecondary, and adult vocational education programs.

(2) The Committee shall make recommendations to the State board with respect to modifying statewide standards and measures based on information provided by the State under 34 CFR 403.201(d).

(b)(1) *State rules and regulations.* Except as provided in paragraph (b)(2) of this section, before a State publishes any proposed or final State rule or regulation for programs, services, or activities covered by the Act, the State shall convene the Committee for the purpose of reviewing the rule or regulation.

(2) In an emergency, in which a rule or regulation must be issued within a very limited time period to assist eligible recipients with the operation of projects, services, or activities, the State—

(i) May issue a proposed rule or regulation without meeting the requirements in paragraph (b)(1) of this section; but

(ii) Shall immediately convene the Committee to review the rule or regulation before it is issued in final form.

CROSS-REFERENCE: See § 400.9(c).

(3) If a State policy is binding on eligible recipients and has the same effect as a formal rule or regulation, although it is not issued as one, that policy is covered by this section.

(Authority: 20 U.S.C. 2325(a); 2468a)

#### § 400.8 What are the provisions governing student assistance?

(a) The portion of any student financial assistance received under the Act that is made available for attendance costs described in paragraph (b) of this section may not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

(b) For purposes of this section, attendance costs are —

(1) Tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, including costs for rental

#### 34 CFR Ch. IV (7–1–00 Edition)

or purchases of any equipment, materials, or supplies required of all students in the same course of study; and

(2) An allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending an institution on at least a half-time basis, as determined by the institution.

(Authority: 20 U.S.C. 2466d)

#### § 400.9 What additional requirements govern the Vocational and Applied Technology Education Programs?

In addition to the Act, applicable Federal laws, and regulations, the following requirements apply to Vocational and Applied Technology Education Programs:

(a) A State that receives funds under the Act shall cooperate with the Secretary in supplying the information the Secretary requires, in the form the Secretary requires, and shall comply in its reports with the information system developed by the Secretary under section 421 of the Act.

(b) Nothing in the Act is to be construed to be inconsistent with applicable Federal laws guaranteeing civil rights, or is intended to, or has the effect of, limiting or diminishing any obligations imposed under the IDEA or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(c) Any State rule, regulation, or policy imposed on the administration or operation of programs funded under the Act, including any rule, regulation, or policy based on a State's interpretation of any Federal law, regulation, or guideline, must be identified as a State imposed requirement.

(d) Funds provided under the Act may not be used for the purpose of directly providing incentives or inducements to relocate a business or enterprise from one State to another State if the relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before the incentives or inducements are offered.

(e) A State may not take into consideration payments under the Act in determining for any educational agency or institution in that State the eligibility for State aid or the amount of